

REMARKS

In view of the Notice of Panel Decision from Pre-Appeal Brief Review's determination to maintain the application under appeal, Applicant affirmatively elects to reopen prosecution by the concurrent filing of a Request for Continued Examination. Additionally, by this Amendment, Applicant amends claims 1, 7 and 10 to further clarify the claimed subject matter.

As a matter of efficiency, Applicant submits that the claims now pending in the application are patentable over the cited prior art reference, Kortesalmi (US 6,427,073), because Kortesalmi fails to disclose, teach or suggest the claimed method or means for checking whether there is a record in the database, which contains a mobile equipment identity corresponding to the mobile equipment identity first transmitted by the mobile station, and, if there is a record in the database, checking whether the record includes a mobile subscriber identity corresponding to the mobile subscriber identify first transmitted by the mobile station, and, if there is no record in the database, producing at least a signal indicating that the mobile equipment identity is possibly a copied one," as recited in independent claims 1 and 7 and 10.

As explained previously, Kortesalmi is directed to an invention for preventing misuse of a copied subscriber identity (i.e., IMSI), rather than detecting a copied international mobile equipment identity (i.e., IMEI). Thus, Kortesalmi merely discloses sending the IMSI to the HLR, receiving a list of IMEI codes according to the IMSI, and accepting the location update of the MS if IIV (IMIS-IMEI verification) is not in use. Kortesalmi also checks if $IMEI_{MS} = IMEI_{HLR}$ on the list if IIV is in use, and if so, accepts the MS location update. Otherwise, the MS location update is rejected. See, column 6, lines 8 to 20.

To the contrary, the claimed invention requires first checking whether the IMEI listed in the database matches that IMEI first sent by the mobile subscriber and, only after an affirmative determination, checking whether the IMSI in a record matches the IMEI first sent by the mobile subscriber; if the latter determination is negative, at least a signal is produced.

In Kortesalmi, no true IMSI check is performed. Thus, Kortesalmi fails to disclose, teach or suggest checking whether there is a mobile subscriber identity corresponding to a mobile subscriber identity first transmitted by a mobile station after checking of the existence of a database record (which contains the mobile equipment identity corresponding to the mobile equipment identity transmitted by the mobile station). Thus, Kortesalmi also fails to

disclose, teach or suggest producing at least a signal indicating that the mobile equipment identity is possibly a copied one, if the check is failed.

The Office Action has asserted Kortessalmi teaches checking whether there is a record in the database, which contains a mobile equipment identity corresponding to the mobile equipment identity transmitted by the mobile station. The Office Action has further asserted that an inquiry is performed at stage 72, wherein an inquiry is sent to the HLR by using the received IMSI. However, the IMSI used at stage 72 is not a IMEI sent by a mobile station.

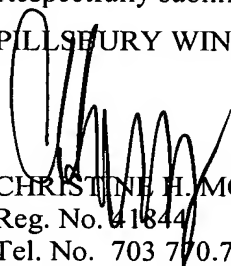
Further, although the Office Action asserted that Kortessalmi's stage 73 involves the MSC/VLR receiving a list of IMEI codes corresponding to the IMSI, stage 73 involves the IMEI as the indicator not the IMSI.

Therefore, Applicant submits that Kortessalmi fails to disclose, teach or suggest the claimed invention. Accordingly, claims 1-9 and 10-11 are allowable. All objections and rejections having been addressed, Applicant looks forward to receiving a notice of allowance indicating the allowability of all pending claims. However, if anything further is necessary to place the application in condition for allowance, Applicant requests that the Examiner telephone Applicant's undersigned representative.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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